

MEMO ENDORSED

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June 3, 2020

By ECF & Email (RomanNYSDChambers@nysd.uscourts.gov)

The Honorable Nelson S. Román
U.S. District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *United States v. Willie Sims, et al.*, 19 Cr. 857 (NSR)

Dear Judge Román:

On behalf of all defense counsel in the above-referenced matter, I respectfully request that the Court adjourn the motion schedule in this case by one month.

We seek an adjournment of the motion schedule due to delays in reviewing discovery with our clients as a result of the COVID-19 pandemic. The discovery in this case consists of, among other things, approximately 46 video and audio files that take many hours to review just once (with no transcriptions provided by the government); toll records for at least eight telephones, maintained in electronic spreadsheets that, if printed in small font, would be hundreds of pages long in some cases; and smartphone forensic extraction reports which, if printed, would be tens of thousands of pages long.

Although one defendant, Rahmel Garraway, has been granted temporary release due to the COVID-19 crisis, the remaining three defendants in this matter are still held on pretrial detention at the Westchester County Jail (“WCJ”). As Your Honor is likely aware, in March 2020, the WCJ indefinitely suspended the ability of inmates to review electronic discovery due to the COVID-19 crisis. Earlier today, Patrick Joyce, Esq., counsel for Isaac Mallory, called the WCJ and was informed that there is no present plan to resume electronic discovery review. These restrictions have imposed practical and time-consuming limitations on our ability consult with our clients and assist them in making informed decisions with respect to motions. Further, even with respect to Mr. Garraway, his attorneys have encountered difficulty in being able to consult with their client due to stay-at-home orders and lockdown restrictions in the New York City area.

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Motions are currently due this Friday, June 5, 2020. This is the defendants' second request for an adjournment of the motion schedule, as motions were originally due May 22, 2020. If the Court grants this application, we respectfully request motions, if any, be due July 2, 2020, with the remaining motion dates adjusted accordingly.

Time under the Speedy Trial Act is currently excluded until the conference scheduled on August 7, 2020. Should the Court grant this application, and wish to move the conference to reflect the updated motion schedule, all defense counsel consent, on behalf of their clients, to a one-month exclusion of time beyond August 7, 2020.

Earlier today, I exchanged emails with Assistant U.S. Attorney Shiva Logarajah, who indicated that the government consents to this application.

Respectfully submitted,

/s/ J.P.F.

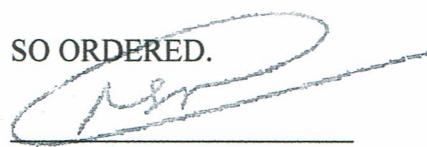
Joseph P. Facciponti

cc: All counsel of record (*by ECF and email*)

Defts' request for an extension of the briefing schedule is granted as follows: Defts' moving papers shall be filed July 2, 2020; Govt's response papers shall be filed Aug. 11, 2020; and Defts' reply papers shall be filed Aug. 27, 2020. The Status Conf. scheduled for Aug. 7, 2020 is adjourned until Sept. 16, 2020 at 11:00 am. Clerk of the Court requested to terminate the motion (doc. 86).

Dated: June 3, 2020

SO ORDERED.


Nelson S. Román, U.S.D.J.